



BELLINGHAM PLANNING BOARD

P.O. BOX 43

BELLINGHAM, MASSACHUSETTS 02019

ANNE M. MORSE, CHAIRMAN
JOHN P. MURRAY, VICE CHAIRMAN
EMILE W. NIEDZWIADK
GLENN E. GERRIOR
EDWARD T. MOORE

MINUTES OF REGULAR MEETING

FEBRUARY 27, 1992

Meeting was called to order at 7:50 p.m. JM, EM and GG were present. EN and AM were absent. Vice Chairman JM acted as Chairman in AM's absence. Board's consultant, Philip B. Herr, was also present.

JM calls for 81-Ps, preliminary plans, subdivision submittals or road bonds from the floor. No one responds.

LETOURNEAU BACKLOT SPECIAL PERMIT DISCUSSION RE: REQUEST TO CHANGE FROM UNDERGROUND TO OVERHEAD UTILITIES
DISCUSSION WITH ABUTTERS RE: DAMAGE TO SHIRLEY ROAD

JM states that Brad Letourneau has requested to change from underground to overhead utilities. Residents are here for another purpose. The Board consulted with Attorney Ambler who advised that because the underground utilities were part of the special permit, any changes done, must be done through the course of a public hearing. He states that the last time Mr. Letourneau was in, he was going to investigate the possibility of going underground.

B. Letourneau still feels that overhead is the best option from his vantage point. He would still like to pursue it. The decision states that underground utilities were required per request of the Water/Sewer Dept. They stated in the letter which they sent to the Board at the last meeting that it was not really their request. He asks the Board to reconsider.

JM reads February 10, 1992 letter from Donald DiMartino, Superintendent, Water/Sewer Dept., which states that Mr. Brad Letourneau recently dropped off a copy of the Planning Board decision, dated June 23, 1988, under Section C item 1, it states, "that water and power lines be installed in the road/driveway underground per request of the Water & Sewer Department." The Department does want the water line installed in or along the side of the road/driveway, but we have no jurisdiction over the power lines. They have no control nor reason to require the power lines to this lot be brought in underground.



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EM thinks that underground utilities was put in in confusion because of the original subdivision which was for more house lots. This is only for one lot. EM reads from the minutes which states that Mr. Letourneau's attorney John Fernandes stated that the utilities would go underground.

B. Letourneau thinks that pertains to the original subdivision discussion.

EM responds that no, the discussion was held at the backlot special permit stage. Any special permit is recorded at the Registry of Deeds. In order to make a change, the Board would have to advertise, give notice to abutters and hold a public hearing. This protects the developer as well as the neighbors. Otherwise, anyone could challenge this. Mr. Letourneau would have to apply for a public hearing and give notice. EM went down to Shirley Road today and did see some damage to the roadway.

JM would like to finish with the power line discussion and deal with the other issue afterwards.

Nev Meehan, Shirley Road, states that he personally has no problem with overhead lines so long as they go down Mr. Letourneau's property and not his property. He does not know why they were mandated to go underground.

EM can not see any reason to go underground either. It is not an eyesore and he does not see a problem with making the change. The original letter from the Water/Sewer Dept. which prompted this condition says that they wanted the water line to go underground. They did not say the power line. He asks what Mr. Letourneau has for power now.

B. Letourneau states that he just has a generator now.

EM asks what the power company says.

B. Letourneau responds that the power company said they can run across the corner and across the street.

EM saw surveyor stakes in the ground when he visited the site today.



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B. Letourneau states that he had a surveyor there but they can not angle.

N. Meehan states that he is speaking for himself when he says that there are no lights there now. It would be nice to have one.

GG explains that because of budget restrains, the Town would not even be able to put one in.

JM notes that the residents could petition the Board of Selectmen for a street light.

EM states that normally there is a street light on the last pole.

JM asks Clerk how soon the Board would be able to hold a public hearing.

Clerk responds that the Board could hold a public hearing in March 1992 if Mr. Letourneau were able to obtain a certified abutters list from the Assessor's office quickly. Otherwise, it would be April 1992.

B. Letourneau notes that the pole would still go across his property.

JM states that maybe the Bylaw requiring the wiring to go underground should be changed. Normally everyone asks for a waiver. They should have overhead utilities and if there is a special reason the Board could require underground.

EM points out that Irene Court has no street lights because they have underground utilities. The whole subdivision is in darkness.

P. Herr notes that for a small subdivision, the cost to go underground can be ridiculous.

GG states that it is Mr. Letourneau's option to have his attorney look into the question and take up issue with Town Counsel.

EM notes that Town Counsel is not saying it can not be changed.



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B. Letourneau asks if Town Counsel realized that the condition was a false statement.

EM responds that no, Town Counsel could not make that determination.

JM explains that even if the Board made a mistake and not Mr. Letourneau's attorney, they would still have to hold a public hearing in order to change the special permit. He could take a chance and go ahead and put in overhead prior to the Board holding the public hearing.

B. Letourneau notes that if he goes underground, there is a problem with crossing the gas with the water line. Because of the driveway, the power has to go across the driveway.

EM thinks that Mr. Letourneau's engineer should have known this.

B. Letourneau asks how long he has to go underground for.

EM asks P. Herr if Mr. Letourneau would have to go underground from pole to property or underground on the property to the house.

P. Herr asks if this was a condition of the backlot special permit.

JM reads condition stating that the water and power lines had to go under the driveway.

EM explains that the minutes state that the developer's lawyer said they were not requesting a waiver for the utilities. He thinks at the time that the neighbors may have had a problem with it.

P. Herr asks where they would go above ground, up the driveway.

EM responds that is correct.

JM reads the condition again.

P. Herr thinks it is very clear. The wires have to go underground in the driveway.



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EM states that Mr. Letourneau will have to request a public hearing. He asks what the driveway length is.

B. Letourneau states that it is 300 plus feet long.

P. Herr notes that the common sense meaning of the condition is that the utilities go underground for the whole length. It is an incorrect premise that the Water/Sewer Dept. did not care, but right or wrong, it is there. He explains that it would take a month to hold a public hearing and a positive vote of 4 because this is a special permit.

JM does not believe that this is a very controversial issue.

EM does not see a big problem with going underground. He asks if it requires special piping. What is the major problem?

B. Letourneau states that if he could put one in at the end of the cul-de-sac where the pole will be, he could do it but the power line has to go to the left side of the house. The area where the pole will be is a narrow area so they have to go up the right side of the driveway. Therefore, they have to go across the driveway underground. The gas and water lines are there to. The power company may have a problem with crossing the lines.

P. Herr states that power companies do not want to go underground for one house. He asks why Mr. Letourneau does not just go for the public hearing.

GG notes that the house is already built.

B. Letourneau has some people waiting to go in who are now homeless.

EM compliments Mr. Letourneau for coming to the Board relative to this issue. Another developer may have just gone ahead and changed to overhead without saying anything. He asks if a special pipe and wire are required to go underground.

GG responds that they are required.

Brian Pearcey from the audience states that they would have to have a direct burial cable and would have to set the pole on the



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other side of the driveway.

N. Meehan states that the contractor's heavy equipment has damaged the road. The police were down and said that they have a witness who said that the trash collector caused the damage but he wants to know what caused the holes in the road.

JoAnn King, Shirley Road, points out that the road is sunken in. the police said they had a witness who said that the trash truck did the damage, but there is no way that all of it was caused by the trash collector.

JM watched the Board of Selectmen's meeting the other night when the residents were present complaining about the damage to the road caused by this developer. There is a law in town that when a developer builds a subdivision, they do not put the finish coat on until they are done building. Mr. Letourneau is only building one house. The trash truck causes damage to the road. The fact is that the road needs repair.

J. King states that the developer had a big 10 wheeler in with loads of sand. The road was already in disrepair but that made it worse.

JM states that if the developer was building 10 houses, the residents would have something to say. If a resident were putting in a pool or having furniture delivered, would they be responsible for the damage to the road caused by those trucks. The fault is because the road is in disrepair. The house is already built. The road condition should be brought to the attention of the Highway Dept. The road will get repaved at some time. The residents should tell them that there are potholes in the road. It will eventually get fixed. A lot of streets are damaged by the trash truck.

J. King points out that they have to sweep the end of the street themselves. The street sweeper does not even come down.

JM suggests they call Mr. Arcand and Mr. Daigle and make some noise so they can be put on the list for the road to be repaved. Mr. Letourneau only built one house. It is not within the Planning Board's scope to require him to repair the entire road.



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J. King asks about the dirt on the road.

EM states that it should be cleaned up. The contractor should call the Highway Dept. to decide who will clean it up. When he was there today, he noticed that at the right side of the cul-de-sac where the drainage is, the catch basin is sunk. One truck could not have done that.

Bonnie Baldelli, Shirley Road, states that there is no light in that area. The cement and asphalt are lifted up. She got a flat tire the other day on her way to work because of the road conditions.

EM agrees that the whole circle is a mess. The snow plows cause damage too. It should be rolled up, seeded and loamed.

N. Meehan states that the trash trucks usually do not go across the circle. They have spent a lot of time and energy cutting and raking the area. They believe that it should be returned to at least as good a condition as it was in. The trash truck does not go down the circle.

B. Letourneau did see a track for a double tire in the middle of the road.

J. King states that the tractor went right down the middle of the road. She saw it.

JM asks if Mr. Letourneau is willing to rectify the damage to the circle.

EM states that from looking at the road, the truck and trailer had to go in to unload the tractor. The edge damage, ruts and whatever was caused by Mr. Letourneau's contractor should be corrected. The Highway Dept. is the one who will say they have to do the work.

B. Letourneau has no problem with cleaning up.

EM notes that the road was not built to the standards that it would have to be built today.

B. Baldelli points out that the residents have spent a lot of



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time and money sweeping the circle and cul-de-sac.

N. Meehan has no problem with changing from underground to overhead utilities. He came tonight because he wanted to make sure they were not changing anything else. Mr. Letourneau's contractors have been going on his property to get water. He spoke with him about it tonight. Mr. Letourneau was not aware of that and he will speak with the contractors. There is also a stake in his yard which Mr. Letourneau will look into. As long as everything is in compliance and the drainage problems in the special permit are complied with and all the permits are in place, he has no problem with the utilities.

B. Letourneau states that they will be hauling more dirt for 1 - 2 more weeks. After that there will just be a van there. He agrees to flatten out the circle and will look into the couple of ruts. He will also call the Highway Dept. regarding sweeping the dirt. He will try to rectify the problems.

GG makes a motion to instruct Clerk to forward a letter to the Building Inspector and Highway Dept. noting that Mr. Letourneau stated tonight that he would repair any damage which he has caused to the road. He agrees to loam and seed the area at the perimeter of the cul-de-sac. This should be done prior to issuance of occupancy permits. Any side work to the perimeter area has to be done to the satisfaction of the Highway Dept.

EM seconds motion. Unanimous vote of 3 (JM, EM and GG).

JM suggests that as a courtesy to the residents, the Board send a letter to the Highway Dept. stating that due to the fact that heavy equipment has been on Shirley Road, the road is in disrepair and should be put on a list for repair.

JM calls for a 5 minute recess in order for the Clerk to copy letters pertaining to the New England Country Club discussion.

NEW ENGLAND COUNTRY CLUB

DISCUSSION PERTAINING TO COVENANT AMENDMENT NO. 1
INCOMPLETION OF WORK RELATIVE TO OPEN FOUNDATIONS

JM reconvenes the meeting at 8:35 p.m.



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Bill Eberbach, Vice President, Forge Development Associates is here for New England Country Club Associates.

Jonathan Harlow, Esquire, represents the Trustee for Monarch, which is the parent of one of the partners of New England Country Club Associates. They have come here tonight to explain the status of the project. They represent Forge, one of the partners, which is a subsidiary of Monarch, which is presently in Chapter 11. The Trustee Harland Golden from New York. They represent the Trustee. They went into bankruptcy last summer. It has taken until recently to find a new trustee. Monarch through its subsidiaries owns real estate from here to California. They are meeting with the various lenders to try and work out a way to go forward. The problem is that Heritage Bank and Marquette Credit Union are also in receivership.

EM read that they had initiated foreclosure proceedings against them.

J. Harlow indicates that is correct. That is one of the complicating factors. The other is that they are trying to work out what is going on with the partnership with the LaPlantes'. They are in litigation with them. Two of the LaPlante's have also filed for bankruptcy protection. One of them has been thrown out of court. Forge is trying to get control. There is no way to predict how soon this will come to trial. It could take a year. Until that happens, they can not do anything. Kemper Sports Management, based in North Carolina has the day to day control of the golf course. They did receive the earlier letter which the Board sent as well as the second letter and apologize for not responding. They are trying to work out a settlement with the two banks. Marquette started foreclosure proceedings against them and Heritage was about to. They think they have resolved the issues with them.

JM states that the major problem is that the foundations have not been cleaned up. Communication relative to that issue goes back the last two years.

B. Pearcey, Wrentham Road, states that it has been 4 years.

JM states that the Board will have a public hearing to rescind the subdivision if they do not get over there and clean up the



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foundations. If that happens, they will not have anything to argue about except for a golf course.

EM notes that the Amendment to the Covenant could not be recorded. Marquette never signed it because the new road runs through their piece of land. He heard they will agree to sign if the developer pays them off.

J. Harlow states that is true. They need Marquette to sign in order to get the covenant in effect. Marquette is no longer demanding to be completely payed off.

B. Pearcey states that there is alot of concrete. He is not saying it should be buried. There is an oil tank which is buried there. It can not just be covered. The pavement all has to be removed as hazardous waste.

GG states that the pavement is not hazardous. It was taken off the list last year. He states it will take a couple of days to a week to complete the work.

JM thinks that this is small potatoes. The developer has aggravated us so it is time to aggravate them. If this does not get corrected, very shortly they will not have anything to argue about.

EM believes that the covenant with Marquette would strengthen the deal which they have with them.

J. Harlow explains that Marquette does not have the mortgage for the entire site. They are looking at it from a point of view with 5 - 6 house lots. Marquette does not have the same interests which they have. Two of the LaPlante's are in personal bankruptcy. One of them was thrown out of Bankruptcy Court. None of the 3 LaPlantes have the money to do the work.

EM states that it should have been done when they moved the houses. There is no reason why it was not done. It was not in the bank at that time.

J. Harlow understands that it would be a simple thing for them to go in and do the work. The problem is that there is no positive cash flow. They are paying taxes and maintaining the golf



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course. They are dealing with the lenders. They have to find out how long they have to deal with the LaPlantes.

JM notes that it has already been 4 years. It is a public eyesore and a danger. The Board of Health has investigated the site.

GG is sitting on the Board for this general discussion even though he has done work for the developer. It is a public eyesore.

J. Harlow asks how much the work would cost.

EM states that it also has to be seeded and graded afterwards.

B. Pearcey has to look out the window and see it.

EM states that the developer took out the houses and left the foundations.

JM notes that the Board can not take definitive action tonight because GG can not really sit on this because of a conflict. He is the Vice Chairman of the Board. The Chairman has been ill and will be here at the next meeting. Another member is on vacation. They will all be back at the next meeting when he will make a motion to rescind.

J. Harlow asks how often the Board meets.

EM responds that the Board meets the second and fourth Thursday of every month. He asks if they will be able to do anything by then.

J. Harlow states that they will not be able to do anything until April.

JM will make a motion to advertise to rescind the revised Definitive Subdivision at the next meeting. If they think he is only bluffing, they can call his bluff.

J. Harlow states that they have been doing everything they can during the last month to resolve their problems. Like every bankruptcy corporation, they do not have a lot of money. The problem is that they have to deal with the LaPlantes. They



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anticipate the sale of a large asset fund very soon. They may be able to do something when that happens. There are a lot of things going on in this corporation. They may be able to do something this spring, but it will not happen in 4 weeks. The issue is finding the money to do it.

EM does not think that the Board is being unreasonable at this point.

GG notes that they have a backhoe on the property already. They have the machines so they could just send someone to do the work.

J. Harlow did not know there was equipment there.

Bill Eberback, Vice President, Forge Development, did not know either. He has just been involved the last few months.

GG states that there is equipment there. It could take them years before they resolve their differences with the LaPlantes.

EM points out that they are dealing with a safety issue.

J. Harlow is not suggesting that the Board wait until they deal with the LaPlantes.

JM states that at the meeting held on March 12, 1992, he will make a motion to hold a public hearing on the fourth Thursday in April 1992 to rescind the Definitive Subdivision.

J. Harlow notes that is 8 weeks from now.

EM states that it would be nice if the Board did not have to go through with this.

J. Harlow indicates that they could get the work done in a reasonable period of time if the Board gives them until the end of April 1992 to get the work done. He would like it if the Board would not advertise for the public hearing.

EM notes that it will cost the Town to do this. They will have to notify 300 abutters.

J. Harlow states that the trustee is in New York. They can not



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just write a check on the Monarch funds. He understands that the work has to get done and it will get done, but not in the next two weeks. He does not want to see the Town spend money advertising the public hearing.

JM states that the Board has spent 4 years discussing this same issue. It is a very small issue to begin with.

GG thinks they should be given until the last meeting in April 1992 to do the work. If nothing is done by then, the Board will go for the public hearing. The ground is still frozen.

B. Pearcey states that they have to put staked hay bales and the wetlands have to be marked or he will get the silt in his yard.

GG states that this is not the time of year to push them to do the work. They can do it at the end of April 1992. They could bring in a signed estimate for the amount it will cost to do the work. They would not achieve much now if they started now.

B. Pearcey asks if they should be required to solicit 3 - 4 proposals for the work to be done by that time.

JM thinks that the middle of April 1992 would be better.

GG notes that it is a pitched piece of property. If they push them to do it now and there is a heavy rain storm, it will all be washed away. It would be better to let it go until the second meeting in April 1992.

JM will wait until the end of April 1992.

P. Herr indicates that the Board is trying to settle what they said they would do at the next meeting. Two weeks from now they can have that discussion. Maybe by then, the developer may have some answers or GG's point may carry.

J. Harlow does not think they will make any progress during the next two weeks.

JM will hold his motion until the middle of April 1992.

J. Harlow states that this is the first time he heard about an



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oil tank.

B. Pearcey explains that it is a basement type oil tank which was buried when the developer took out the foundations.

J. Harlow indicates that is the one exception that could get them to move fast. He will get bids to do the work. They can not do anything until they find out how much it would cost to get it done.

JM notes that the oil tank is empty.

J. Harlow understands and will address the issue but it can not be within the next two weeks.

EM thinks that they could talk to the Board of Health by then.

JM does not know if the Fire Chief knows about the oil tank. He will hold off until April 9, 1992 and hopes the Board will hear more than stories by then.

GG suggests that they find out what machinery is on the premises.

BROOK ESTATES

DISCUSSION RE: TOWN COUNSEL COMMENTS FOR DEVELOPMENTAL PLAN REVIEW

P. Herr explains that Brook Estates will be accessed through Bellwood Condos. The Master Deed for Bellwood does not impose restrictions on the ability to do that but Lee Ambler said that the Board should make sure that the plans and Planning Board special permit did not impose limitations. He asked that the Board review the contents of the plans to be sure that the additional use of the new project was considered. The Board referred the question to P. Herr for his analysis of the plans. He does not know whether that is true or not. He checked the plans and could not find anything to support that.

EM thinks that Lee Ambler is asking if the Board knew about the access. Brook Estates based its access on Bellwood.

P. Herr could not find the drawing for Phase 3 of Bellwood. He asks if Phase 3 is built. The lots document phases 1 and 2, but



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this road requires a departure for Phase 3. Where the road will be built, there was going to be units.

EM asks if that means that they will have to amend.

P. Herr does not think so. It is not really departing from the plan. He requests that Clerk look for the Phase 3 Bellwood plan for his review. He thinks that the question relative to access has been settled with L. Ambler's response and P. Herr's review of the plans. He suggests that the Board check with M. Megalli to see if he is happy with the response and if so, he can proceed.

J. Harlow asks if the Board can suggest local people who could do the work at New England Country Club.

EM asks P. Herr if that would be out of line.

P. Herr responds that it would be.

EM suggests that they check the local phone book.

GG suggests that they contact Shaeffer Nursery in Bellingham and ask them for suggestions. They know all the contractors here. They know who has the equipment and what would need to be done.

DISCUSSION RE: ZONING BYLAWS FOR ANNUAL TOWN MEETING DEVELOPMENTAL PLAN REVIEW REVISIONS

P. Herr distributes revisions.

EM asks what is different in the revisions.

P. Herr responds that the only difference is that this responds to the issue raised by Lee Ambler relative to what triggers Section 1421 and applicability. He sent the revisions to Lee Ambler but has not heard back from him.

EM asks if he has included the wording for "Town Engineer or other designated official."

P. Herr responds in the affirmative. He also included that the applicant will distribute the materials which will be documented for the Planning Board.



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EM asks if P. Herr will come up with a checklist which the Board can give to the applicant for the distribution.

P. Herr will work on that.

TECHNICAL REVISIONS ARTICLE

P. Herr states that the question is whether or not the Board wants to include all the items in a single article. It is kind of a jumble. They could have a large number of small articles or a small number of large articles. Number one amends definition. They are changing the wording which came out in a discussion with the Building Inspector and a large change which was suggested by Lee Ambler. The change and the definition of lot were both triggered by a situation with a kennel. There was a two family house and the owner of a kennel asked if he could add the dogs together to form a kennel.

EM has a kennel license for his dogs instead of 5 dog licenses so they all have the same number and the same tag.

P. Herr can make this a separate issue to change the definition of lot and animal kennel. Maybe the issue relative to junkyards should stand alone.

EM asks what less than 200 square feet would be under junkyards.

P. Herr responds that it states that not more than 200 square feet could be a junkyard.

JM asks what if someone's stuff is all over their yard. Would that be considered a junkyard?

P. Herr responds that it would be. The definition for yard came out of the discussion with the Building Inspector. It allows someone to have a toolshed or a similar structure of not more than 80 square feet. It is allowed only on the side or rear and not the front yard. There are two changes for the allowable area becoming larger and making it applicable to only the side and rear yards. That stands alone. The yard side definition can be combined with yard.

EM states that the Board needs a summary on what is being done



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compared to what the town has now.

P. Herr can prepare that. He refers to item #2. He read the Bylaw as not requiring access driveways paved. This requires access to the driveway being paved. It stands alone.

EM asks if that can be waived by the Planning Board.

P. Herr responds that it can be. Item #3 identifies home occupations. The language in Section 4113 reads occupations with similar attributes may be allowed by the Board of Appeals. The Board of Appeals has trouble for occupations which do not have similar attributes. This should clear that up.

EM states that the ZBA denies the occupations if they are not on the list.

P. Herr notes that he received a call from a consultant for the FDIC relative to the Pine Meadow development. They have 70' of frontage. He asked if there was precedent for a smaller development. It would cost a large amount of money to build the road. It would essentially be a driveway.

EM asks if he has the subdivision. Bruce Lord never recorded the subdivision plan.

P. Herr explains that they want to take all 7 lots and combine them into 2 houses. He told them they would have to come back to this Board. The Board could waive construction of the road in exchange for a promise that they would only build 2 houses. It may go to the ZBA. Item #4 makes the back side of Mitch LaPlante's house zoned the same as the whole lot. He will make it a separate article. So far, there are 6 articles that stand by themselves.

DISCUSSION RE: WATER RESOURCE DISTRICT ZONING ARTICLE

P. Herr explains that this article is complicated. He has a letter from the Water/Sewer Superintendent which incorporates changes which they would like. It prohibits earth removal within 10 feet of ground water. Step 4 is a complication. The map which was sent by Mr. DiMartino was prepared by Amory Engineers. Zone 2 is in district 1.



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EM states that is most crucial.

P. Herr states that they want to make the map consistent. Enlarged district 1 is shown in zone 1 and district 2 is shown in zone 3. This takes all the land and makes it zone 1. He points out zone 1 to the pencil line on the map.

P. Herr reads from the February 25, 1992 letter from Donald DiMartino, Water/Sewer Superintendent, where he states that "the second issue is that a zone II delineation has been done for wells #3, #4 and #11. This zone is larger than our present map of district 1. It would be a good idea to redefine the district with the updated information". P. Herr states that this map shows wells #3 and #4 but not #11.

JM asks what has changed which caused this.

P. Herr explains that there is a different way to do the analysis. This uses the method the state DEP requires. The DEP will require the Town have protected wells. This is a grubby map for a whopping change. Alot which is shown on the map includes things other than Bellingham. This quadruples the area.

EM asks if this affects Lakeview Estates.

P. Herr responds that it does.

JM asks how this article came up.

P. Herr explains that a year ago the Water/Sewer came in with a change after the article had been presented for the warrant. The Board told them to wait and we would do it later.

EM thinks that the Board should turn it over to them to do as their article.

P. Herr states that the Board could put it on the warrant, hold a public hearing and see what happens.

EM thinks it would sound better coming from them.

P. Herr states that the map change is the most controversial since it is a major change. The state has major requirements



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which they have to meet.

JM asks how it will affect people.

P. Herr explains that it will affect people who own undeveloped land such as Lakeview Estates. It increases the lot size.

EM notes that Lakeview already has plans submitted.

P. Herr indicates that they are grandfathered.

GG notes that his father owns 5 acres in the back of his business. This really affects a suburban district. The business district is all zoned business.

JM was on the committee which prepared the Water Resource District map. There was no real reason that the south end was colored green since the water did not affect Wrentham Road. He wonders if there are any other cases like that.

P. Herr states that the whole enterprise involved a \$3,000 fee. The whole grant was for \$10,000 and they did 6 other things. He was surprised how inexpensively the map was done.

EM asks what this would do to Schaeffer Meadowood.

P. Herr points out that they are also grandfathered.

EM asks if this would have prevented a mess like Crestview Commons.

P. Herr indicates that it would have.

GG notes that it does not fall on this map. It runs along S. Main Street.

P. Herr confirms that GG's assessment is correct. They should separate the change for the Water Resource District from the map. It should be a separate article. They can get voted on separately. They will not rely on each other.

JM asks what the 3 means.



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P. Herr explains that it means they can not regrade land within 10' of the water table.

JM asks if there is an exception for swimming pools.

P. Herr notes that there is. Franklin has a 15' requirement and they are not allowing pools.

EM reads the section relative to the Board of Appeals granting gravel permits. He asks what it means by observation wells.

P. Herr presumes it means they will put casing in.

JM asks if that is 10' vertical.

P. Herr responds in the affirmative. This is a request of the Water/Sewer Board which was requested one year ago. The Board should hold a hearing and raise questions at the hearing.

JM asks how they will know where the water table is if someone starts excavating.

P. Herr states that they could ask a neighbor and ask the guy who put in the observation wells if they are doing earth removal.

EM asks how they will find out the water level.

P. Herr indicates that they would dig a hole. The USGS maintains records. They can tell what water tables are in the vicinity.

EM states that the engineer for Crestview Commons said the water table was not where it actually was.

P. Herr notes that the state requires 4' separation.

JM asks why they are going with 10' then.

P. Herr states that for someone who is putting in leach fields, they have to go 2' below ground and separate the water tables another 6' for the regulations. The additional 2' is for a margin of safety to allow the bacteria and viruses to die.

JM asks how they came up with 10'.



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P. Herr states that Mr. DiMartino will explain that. The state requires 4'. A lot of people think that 10' is a good number. The Cape Cod Commission requires 10'. Franklin requires 15' but they have a lot of sand and gravel which they feel moves more rapidly through than clay. They want to be safe. Steve Racicot from the Conservation Commission wanted a limit relative to impervious surface. The Board wrote to the Conservation Commission with a copy of the draft and they never responded. He thinks that issue may be a loser. He looked to find out how far down the water table goes but could not find anything.

JM asks if WalMart will have to abide by this.

P. Herr responds that they will but not now because they are already permitted.

JM asks what happens if they find out the water table is 8'.

P. Herr responds that they would not be able to dig.

EM thinks that they should hold a hearing relative to this issue since the Water/Sewer asked them to do it. They are the fathers of the amendment.

JM notes that the Board is doing this on behalf of the Water/Sewer Commission.

DISCUSSION RE: PORTABLE SIGNS

P. Herr notes that the proposed Bylaw has not changed since the last time it was presented.

MAPLE STREET REZONING

EM asks what the definition of street line is.

P. Herr states that it may be confusing to measure the curb line or the right of way line. We mean right of way and not curb line. The term does not get used elsewhere. It was added since the last time.

Clerk reads three articles relative to Opus Lot 3, Lot 3 and Lot 6, William Way for Jeanne Kempton for the Estate of Hilda Thayer



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which were forwarded to the Board by Jackie Richard, Administrative Asst. to the Board of Selectmen, requesting that the Planning Board hold public hearings.

P. Herr requests that Clerk make copies and forward the proposed articles on to him. He thinks that the Board could hold all the Bylaw amendment public hearings on the same night.

Clerk notes that the Meadowood Special Permit expires on March 19, 1992. Clerk notes that Riverview and Lakeview public hearings are scheduled for the night of March 26, 1992.

JM requests that Clerk check with Bruce Lord to find out if they will be going forward with those discussions. The Bylaw public hearings can be scheduled around the other public hearings.

EM thinks they should put the Water Resource District public hearing on for later in April.

Clerk asks if the abutters for the Maple Street Rezoning article should be sent certified copies of the notice of public hearing.

P. Herr responds that they should be sent a copy but it does not have to be certified. That is in the procedural rules as a courtesy.

JM suggests they schedule all the Bylaw public hearings for March 26, 1992 except the 2 Water Resource articles.

P. Herr instructs Clerk to tell Jackie Richard that the Planning Board will have 10 articles on the warrant for the Annual Town Meeting in addition to the 3 which the Board of Selectmen recently submitted.

Clerk reads February 24, 1992 letter from Lee Ambler, Esquire, Town Counsel, relative to the Planning Board Consultant's Contract. He suggests that the Board contact the Town Accountant and determine the appropriateness of having the Town Meeting Vote be for the sum of money and a specific authority to authorize the Planning Board to retain Philip B. Herr & Associates for that sum of money for the services described. The Board can do so by simply amending Article 1 appropriation for same.



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Clerk explains that the Board received a letter from Theodore Tye, Executive Vice President, National Development Associates, Inc., dated February 19, 1992, requesting a decrease in the number of parking spaces for Stallbrook Center from 893 to 820.

Clerk reads February 26, 1992 letter from Makram Megalli, Town Engineer, relative to the Stallbrook Development Plan wherein he states that Mr. Fraine and he met with the engineer and representatives of Stallbrook on February 18, 1992. They reviewed the construction plan which they found to be substantially in conformance with the original development plans. The number of parking spaces are less than originally proposed, but in compliance with the requirement. They directed the developer to communicate this change to the Board for their approval. The sewer system within the development was slightly modified and in this regard we directed them to communicate with the Water/Sewer Commission. The construction plans for the sewer system in Hartford Avenue were not present at that meeting for review.

EM makes a motion to approve the parking change to lower the number from 893 to 820 and to ask the developer to forward a sketch showing the changes to be included in the Planning Board files. GG seconds motion. Unanimous vote of 3 (JM, EM and GG).

P. Herr states that the letter should be forwarded to the Town Engineer with a copy to NDAI, the developer.

Clerk reads February 26, 1992 memo from the Water/Sewer Commission relative to Stallbrook Center requesting that the Board of Selectmen and Planning Board send a representative to their meeting on Tuesday, March 3, 1992 at 7:00 p.m. at 200 Wrentham Road, the Water/Sewer Department office, to discuss this project. The Commissioners would like a better understanding of all negotiations and agreements entered into with the developer.

EM states that the developer wants the fee waived for Water/Sewer.

P. Herr believes that the issue came up as a condition to the special permit. The developer wanted to be relieved of paying the Water/Sewer fee in exchange for their participation in the cost for an engineer and ramp which they wanted conditional upon



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the fee being waived. The Planning Board said they were not inclined to do that. Mr. Tye wanted the Board to support that.

EM thinks it involves promises which were made the first time they came in with the proposal.

P. Herr believes that Ted Tye made it clear. They wanted part of the traffic improvements conditional but they do not have the right to ask for a waiver. They were hoping for it.

EM states that the Water/Sewer Board is saying they have to put in the line for that amount and it can not be deducted. That's what they are pushing for.

JM will attend the Water/Sewer meeting on behalf of the Board on March 3, 1992 at 7:00 p.m. He requests that Clerk give him copies of the minutes pertaining to the Stallbrook discussion as well as an written correspondence from the file pertaining to this issue. An extra set should be included for the Water/Sewer Commission.

P. Herr believes that Attorney Robert Fishman made the request for their portion of involvement a condition for the fee being waived but it was not included in the final decision.

EM remembers them asking this Board to support their request for waiver of the fees.

GG makes a motion to close the public hearing at 10:45 p.m. EM seconds motion. Unanimous vote of 3 (JM, EM and GG).



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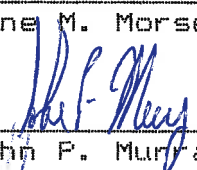
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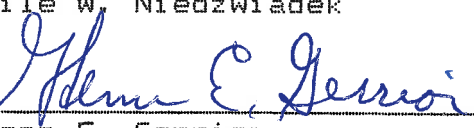
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Anne M. Morse, Chairman



John P. Murray, Vice Chairman

Emile W. Niedzwiadek



Glenn E. Gerrior



Edward T. Moore